REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	13 February 2003
Name of applicant/court:	The District Court at Christchurch
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	jirka09.jpg
Other Known Title(s):	Not Stated
Director(s):	Not Applicable
Producer(s):	Not Applicable
Publisher:	Not Applicable
Author(s):	Not Applicable
Format:	Computer Printout
Country of Origin:	Not Applicable
Language(s):	Not Applicable

Components of film originally examined: Not Applicable.

Feature: Running Time:

Trailers: Running Time:

Total Running Time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer printout entitled *jirka09.jpg* is classified as:
Objectionable.

This classification is because the publication promotes and supports the exploitation of children for sexual purposes.

The publication is a computer printout of an image file containing a colour photograph, printed on A4-size paper. The computer printout explicitly depicts a semi-naked pre-pubescent boy posed in a sexualised manner that emphasises his genital nudity. There is no context that would indicate a non-sexual reading of the nudity. A sexual reading of the image is encouraged by the medium in which the publication is presented, and the likely purpose for which the publication is intended to be used (the sexual gratification of persons with a prurient interest in boys).

The classification of this publication interferes with the freedom of expression, as outlined in section 14 of the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that promote and support the exploitation of children for sexual purposes.

OFLC No: 201907